



DRAFT HEARING MINUTES
Thornbury Township Board of Supervisors Hearing
Wednesday, September 17, 2014

The Board of Supervisors held a public hearing on September 17, 2014 for the adoption of Ordinance No. 2 of 2014 "AN ORDINANCE AMENDING THE THORNBURY TOWNSHIP ZONING CODE, CHAPTER 27, AS AMENDED, TO AMEND ARTICLE 10, COMMERCIAL DISTRICT, SECTIONS 27-1002 AND 27-1003, TO PERMIT SEASONAL OUTDOOR DINING BY CONDITIONAL USE, IN CONJUNCTION WITH A PERMITTED RESTAURANT USE, AND ESTABLISHING STANDARDS AND CRITERIA THEREFORE."

PRESENT: James H. Raith, Chairman
James P. Kelly, Vice Chairman
Sheri L. Perkins, Supervisor
Jeffrey T. Seagraves, Manager
Geoffrey Carbutt, Township Secretary
Lindsey Price, Roadmaster
Peter Barsz, CPA, Treasurer
Kenneth Kynett, Esq., Township Solicitor
Elizabeth Catania, PE, Township Engineer
Charles Faulkner, PE, Township Sewer Engineer

Attendees: 71

Chairman Raith opened the hearing at 7:00 PM and introduced the Township Solicitor, Mr. Kenneth Kynett, Esq., who then entered several items as exhibits:

- Exhibit 1:** Proof of Publication advertised in the Garnet Valley Press 8/27/14 - 09/03/14, and Mr. Kynett pointed out that the location of the tonight's hearing, as advertised to be held at the Glen Mills Schools Smith Memorial Chapel Lecture Hall, was posted at the Township Building.
- Exhibit 2:** Review Letter from the Thornbury Township Planning Commission dated 06/11/14, recommending approval, along with their minutes.
- Exhibit 3:** Review Letter from the Delaware County Planning Commission dated 07/17/14, recommending approval.
- Exhibit 4:** The Draft Outdoor Dining Ordinance # 2014-2, from 5/22/14.

Chairman Raith asked Ken to explain the revisions that were made. Mr. Kynett then gave an overview detailing the draft process in amending the existing code ordinance that included the suggestions made by concerned township residents. Ken then mentioned the revisions were reviewed and approved by both the required County and Township recommending boards and commissions. Chairman Raith mentioned that under conditional use, the Board can impose conditions on an individual basis if needed. Ken then detailed where in the ordinance the changes were made, and that this was the sixth draft since its inception. Vice Chairman Kelly also mentioned the previous drafts and thanked the residents from Andover for their input in this process. Supervisor Perkins stressed that individual needs will be addressed.

In closing the Board's comments, Chairman Raith added that they will not be taking a vote on this Draft Ordinance this evening and asked that everyone who wished to make public comment, introduce themselves with their name and address.

Public comment was then made by;

Bill Clinger who spoke in favor of the ordinance and the hardship that he has incurred.

Mitch Trembicki spoke against the ordinance and reiterated his former disdain. Chairman Raith had to remind Mr. Trembicki that he always returned Mitch's calls.

Dr. Russino mentioned Concord Duffers and spoke about the noise and lack of action taken at the Middletown Road location.

Steve Degnan mentioned loud conversations and sounds carrying long distances.

Mike Slachta asked why they have not been allowed to have outdoor dining and cited examples of those who were. He then tried to reassure everyone that he will do everything possible to remain a respectable establishment and address concerns.

Robert Magliano spoke against the ordinance in its current form, and its lack of enforcement.

Chairman Raith then reminded everyone that Andover is zoned Commercial and was granted an overlay for residential development, and residents there are in a commercial district. He also asked for residents from Andover who agree with the letter submitted opposing the ordinance, to raise their hands. Approximately 34 hands were raised.

Gil Gullaksen mentioned he was a patron of Duffers and there is no enforcement there.

Joe Andronowitz mentioned that this was not in the best interest of the neighborhood.

Bob Hallinan mentioned that he was a patron of Duffers and was in favor of the ordinance.

Eric Friedman mentioned the previous draft and expressed concern about outdoor activities, a reasonable buffer and enforcement, addressed within the ordinance itself.

Ken Kynett explained that all suggestions were considered and we are not able to implement a one thousand foot buffer, and then explained nuisance concerns. Eric then agreed to continue with expressing their concerns.

Tony Buglione expressed the upsides and the downsides of the ordinance and insisted on eliminating all downside risks.

Robert Ferrara spoke in favor of the ordinance.

Chairman Raith asked for a show of hands who were in agreement with Mr. Ferrara. Approximately 31 hands were counted.

Phil Tappendan spoke in support of the ordinance and asked how educated people who made a conscious decision to move into Andover, are now complaining.

Tim Monahan explained that there was no outdoor dining permitted when they moved in.

Peter Dietz mentioned that restaurant staff don't know the rules and rules are unenforceable.

Kathy Ventresca spoke against the ordinance.

John Price mentioned an email problem and is a patron of Duffers but is against this ordinance.

Lee Weersing complimented the revisions and stated that if this ordinance has to go through, it deserves all of the effort that is being put into it. He then thanked everyone for their time.

Frank Slachta mentioned noise levels should not change from where they are now.

Evan Seaman spoke in favor of the ordinance.

Rob Magliano mentioned he was a patron of Duffers, and stated opposition to the ordinance.

Chairman Raith closed the hearing at 8:07 PM.

Respectfully submitted,

Geoffrey Carbutt, Township Secretary

cc: Board of Supervisors
Kenneth Kynett, Esq.
Jeffrey Seagraves, Township Manager